IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 9401 of 2004(T)

PETITIONERS:

1. **PULLORKUDIYIL OUSEPH S/O. VARKEY, AGED 78 YEARS, RESIDING AT PAYYAMPALLY AMSOM, DESOM, P.O.PAYYAMPALLY, MANANTHAVADY TALUK.**

2. **THEKKUMPURATH ULAHANNAN S/O. UDUPPU, AGED 65 YEARS, PAYYAMPALLY AMSOM, DESOM, P.O.PAYYAMPALLY, MANANTHAVADY TALUK.**

3. **JOSE KAKKANAD S/O. MARIYAKKUTTY, AGED 40 YEARS, PAYYAMPALLY AMSOM, DESOM, P.O.PAYYAMPPALLY, MANANTHAVADY TALUK.**

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SMT.MERLIN MATHEW

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE DISTRICT COLLECTOR, WAYANAD AT KALPETTA.**

3. **REVENUE DIVISIONAL OFFICER, MANANTHAVADY.**

4. **MANANTHAVADY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.**

5. **THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS SECRETARY.**

6. **THE DISTRICT MEDICAL OFFICER, MANANTHAVADY, WAYANAD DISTRICT.**

7. **C.K.PHILIP S/O. KURIAN, AGED 64 YEARS, CHERUMPARAMBIL HOUSE, PALVOLICHAM, P.O.BAVALI, PAYYAMPPALY AMSOM DESOM, MANANTHAVADY.**

BY ADV. SRI.T.A.RAMADASAN
SRI.M.SASINDRAN
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.9401/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE 1ST SCHEDULE TO DANGEROUS AND OFFENSINE TRADES AND FACTORIES RULES.

EXT.P2:- COPY OF THE REPRESENTATION MADE TO THE SECRETARY OF THE 4TH RESPONDENT DT.5.2.04.

EXT.P3:- COPY OF THE REPRESENTATION MADE TO THE 5TH RESPONDENT DT.5.2.04.

EXT.P4:- COPY OF THE REPRESENTATION MADE TO THE 6TH RESPONDENT DT. 5.2.04.

EXT.P5:- COPY OF THE REPRESENTATION MADE TO THE 2ND RESPONDENT DT.7.4.03.

EXT.P6:- COPY OF THE REPRESENTATION MADE TO THE 3RD RESPONDENT ON 16.4.03.

EXT.P7:- COPY OF THE REPORT SUBMITTED BY THE THAHSILDAR MANANTHAVADY TO THE 3RD RESPONDENT DT. 25.9.0.3.

RESPONDENTS EXHIBITS

EXT.R7:- COPY OF THE SHOTFIRER'S PERMIT ISSUED TO V.J.GEORGE BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM.

EXT.R7(b):- COPY OF THE PERMIT ISSUED BY THE DEPARTMENT OF MINING AND GEOLOGY DISTRICT OFFICE, WAYANAD.

EXT.R7(c):- COPY OF THE LICENCE ISSUED BY THE JOINT CONTROLLER OF EXPLOSIVES SOUTH CIRCLE CHENNAI IN FORM NO.22 OF EXPLOSIVES RULES.

EXT.R7(d):- COPY OF THE PLAINT IN OS.87/03 ON THE FILE OF THE MUNSIFF MAGISTRARE COURT, MANANTHAVADY.

EXT.R7(e):- COPY OF THE WRITTEN STATEMENT.

EXT.R7(f):- COPY OF THE ORDER OF THE MUNSIFF- MAGISTRATE DT.24.6.03.

EXT.R7(g):- COPY OF THE COMMISSIONER'S REPORT.

EXT.R7(h):- COPY OF THE PLAN.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C). NO. 9401 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by the alleged pollution caused by quarrying operations conducted by the 7th respondent. There is already an interim order dated 23.03.2004 directing respondents 2 to 6 to take appropriate action. In case petitioners have still any grievances left, they may pursue the same in appropriate proceedings.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp